

# MANDATE

D. Vt.  
19-cv-81  
Sessions, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21<sup>st</sup> day of July, two thousand twenty.

Present:

Robert A. Katzmann,  
*Chief Judge,*  
José A. Cabranes,  
Rosemary S. Pooler,  
*Circuit Judges.*

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Michael Smith, Secretary of the Vermont Agency of Human Services,  
et al.,

*Petitioners,*

v.

20-1203

Richard West, individually and on behalf of a class of similarly situated  
persons, et al.,

*Respondents.*

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Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting class certification. They also move for a stay of district court proceedings. Upon due consideration, it is hereby ORDERED that the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001). It is further ORDERED that the motion for a stay is DENIED as moot.

FOR THE COURT:

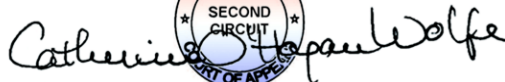

Catherine O'Hagan Wolfe, Clerk of Court

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Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

MANDATE ISSUED ON 07/21/2020